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Attorneys for Defendant
UNILEVER UNITED STATES INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

Margaret Murphy, individually, and on
behalf of those similarly situated,

Plaintiff,

v.

Unilever United States, Inc.,

Defendant.

Case No. 3:22-cv-07468-TLT

**MOTION TO SET BRIEFING SCHEDULE ON
MOTION TO TRANSFER VENUE**

1 Defendant Unilever United States, Inc. (“Unilever” or “Defendant”) respectfully requests that
2 this Court enter a briefing schedule on Defendant’s forthcoming Motion to Transfer Venue (“Motion
3 to Transfer”).

4 This case arises from the discovery that certain products manufactured by one of Defendant’s
5 subsidiaries—The Laundress, LLC (“The Laundress”)— were at risk of containing certain bacteria.
6 Upon discovering the issue, The Laundress immediately issued a public Safety Notice and recall,
7 advising consumers to stop using the products at issue and offering a full refund to anyone who had
8 purchased one of the products at issue. Rather than accepting Defendant’s standing offer of a full
9 refund, several consumers have filed putative class action lawsuits in New York and California district
10 courts seeking to recover the very same refund through the judicial process. This is one of four
11 lawsuits pending against Defendant and certain affiliated entities relating to the recall.
12

13 The other three lawsuits relating to the recall are all pending before Judge Furman in the
14 Southern District of New York. *See Skillman v. The Laundress, LLC*, Case No. 1:22-cv-10008-JMF
15 (the “*Skillman* case”); *Ostenfeld v. The Laundress, LLC, and Conopco, Inc. d/b/a Unilever Home &*
16 *Personal Care USA*, Case No. 1:22-cv-10667-JMF (the “*Ostenfeld* case”); *Forbus v. The Laundress,*
17 *LLC, and Conopco, Inc. d/b/a Unilever Home & Personal Care USA*, Case No. 1:22-cv-10760-JMF
18 (the “*Forbus* case”). On January 11, 2023, Judge Furman issued an order stating that “the cases appear
19 to involve common questions of law and fact,” and that “the Court is inclined to consolidate the cases
20 pursuant to Rule 42 of the Federal Rules of Civil Procedure for all purposes.” *See Skillman* case, No.
21 1:22-cv-10008-JMF, ECF No. 14.
22

23 Because this case also involves common questions of law and fact as the cases currently
24 pending before Judge Furman, and because Judge Furman is presiding over the first of these related
25 cases to be filed, Defendant intends to file a motion to transfer this case to the Southern District of
26 New York so that it can be consolidated with the other three related cases. Defendant respectfully
27
28

requests that this Court enter the following briefing schedule for the forthcoming Motion to Transfer:

- Defendant's deadline to file a Motion to Transfer is February 3, 2023;
- Plaintiff's deadline to respond to the Motion to Transfer is February 17, 2023;
- Defendant's deadline to file a reply in support of the Motion to Transfer is February 24, 2023.

Additionally, Defendant requests that this Court stay Defendant's deadline to answer or otherwise respond to Plaintiff's Complaint until after this Court rules on the Motion to Transfer. In the event this Court grants Defendant's Motion to Transfer, Defendant requests that the court to whom the case is assigned set the response deadline. However, in the event this Court denies Defendant's Motion to Transfer, Defendant respectfully requests that this Court set the deadline for Defendant to answer or otherwise respond to the Complaint for 30 days from the date of the Court's ruling on Defendant's Motion to Transfer.

Counsel for Defendant emailed counsel for Plaintiff on January 13, asking if counsel would stipulate to the relief requested herein. Counsel for Plaintiff has not responded.

Dated: January 17, 2023

WINSTON & STRAWN LLP

By: /s/ Ronald Y. Rothstein

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